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13 Attorneys for Defendant
14 GOOGLE INC.

15 UNITED STATES DISTRICT COURT
16 DISTRICT OF NEVADA
17

18 Unwired Planet LLC,

19 Plaintiff,

20 v.

21 Google Inc.,

22 Defendant.
23

24 AND RELATED COUNTERCLAIMS

Case No. 3:12-cv-504-LRH-VPC

25 **MOTION FOR LEAVE TO FILE UNDER SEAL CERTAIN EXHIBITS TO**
26 **THE CASE MANAGEMENT CONFERENCE STATEMENT**
27
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FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
DEC 19 2013	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY: _____	DEPUTY

1 Defendant Google Inc. ("Google"), by and through its counsel of record, hereby
2 respectfully moves for permission to file under seal the Declaration of Ficus Kirkpatrick and the
3 attached exhibit thereto, as well as Exhibit C submitted in support of Google's December 2013
4 Case Management Conference Report. This Motion is made pursuant to L.R. 10-5 and supported
5 by the attached memorandum of points and authorities and all papers and pleadings on file herein.

6 **MEMORANDUM OF POINTS AND AUTHORITIES**

7 The Declaration of Ficus Kirkpatrick and attached exhibit comprise or reference discovery
8 materials that have been designated Highly Confidential by Unwired because they reference and
9 discuss confidential Google source code and Google's internal technical documentation that has
10 been produced by Google to Unwired as Protected Information under the Protective Order.
11 Exhibit C to Google's December 2013 Case Management Conference Report contains references
12 to proprietary and confidential technical details concerning Google's internal source code.

13 On June 5, 2013, this Court entered a Stipulated Protective Order (Dkt. No. 99). The
14 Stipulated Protective Order contemplates three categories of information that are protected and
15 collectively defines these categories as "Protected Information." *Id.* at 3. Relevant to the present
16 motion is the category designated as Confidential, Confidential Outside Counsel Only and
17 Restricted Confidential-Outside Counsel Only. *See id.* These categories of information includes
18 "commercially sensitive competitive information." *Id.* at 5. The Stipulated Protective Order
19 further provides that all "documents submitted to the Court which have been designated as
20 Protected Information, or which contain information so designated, shall be filed under seal in a
21 manner prescribed by the Court for such filings." *Id.* at 17.

22 Google therefore respectfully requests that the Court grant this Motion and permit Google
23 to file Exhibit C to its December CMC statement, as well as the Declaration of Ficus Kirkpatrick
24 and exhibit A thereto, under seal.

1 DATED: December 13, 2013

MUNGER, TOLLES & OLSON LLP

4 By: /s/ Peter E. Gratzinger
Peter E. Gratzinger

6 Attorneys for Defendant
GOOGLE INC.

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10 **IT IS SO ORDERED**
11 *Valerie P. Felt*
12 **U.S. MAGISTRATE JUDGE**
13 **DATED: December 19, 2013**
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CERTIFICATE OF SERVICE

I certify that I am an employee of MUNGER, TOLLES & OLSON LLP, and that on this date, pursuant to FRCP 5(b), I am serving a true and correct copy of the attached **MOTION FOR LEAVE TO FILE UNDER SEAL DECLARATION OF FICUS KIRKPATRICK AND ATTACHED EXHIBIT THERETO** on the parties as set forth below:

_____ Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, Reno, Nevada, postage prepaid, following ordinary business practices

_____ Certified Mail, Return Receipt Requested

_____ Via Facsimile (Fax)

_____ Via E-Mail

_____ Placing an original or true copy thereof in a sealed envelope and causing the same to be personally Hand Delivered

_____ Federal Express (or other overnight delivery)

XXX EM/ECF Electronic Notification

addressed as follows:

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DATED this 13th day of December, 2013.

/s/ Peter E. Gratzinger